

**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 8, 2005**

Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM

R9 - New Business and Commission Requests

- R9A4 Nomination Of Mr. David Lancz To The Zoning Board Of Adjustment.
(Requested by Commissioner Richard L. Steinberg)
- R9F Discussion Regarding A Resolution Opposing Modification To Boundaries Of The Road Impact Fee Districts As Proposed By Miami-Dade County Amendment To Chapter 33E Of The Miami-Dade County Code.
(Requested by Commissioner Richard L. Steinberg)

R10 - City Attorney Reports

R10C Notice Of Attorney-Client Session

Pursuant To Section 286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation:

Micky Biss And USA Express, Inc. Vs. City Of Miami Beach, Florida. Circuit Court Of The Eleventh Judicial Circuit Of Florida, Case No. 01-11865 CA 10

Micky Biss Vs. City Of Miami Beach, A Municipal Corporation And Robert Parcher, The City Clerk Of The City Of Miami Beach. Eleventh Judicial Circuit, General Jurisdiction, Case No. 05-05755 CA 30

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On June 8, 2005 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner And Gary Held.

C: Gomer
Tim
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**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: JORGE GONZALEZ
CITY MANAGER

CC: MAYOR & COMMISSIONERS

FROM: RICHARD STEINBERG *RLS/DM*
COMMISSIONER

DATE: June 6, 2005

RE: Agenda Item- Nomination to the Zoning Board of Adjustment

Please place on the June 8th Commission agenda an item nominating Mr. David Lantz to Zoning Board of Adjustment. His resumé is attached for reference.

If you have any questions or comments, please feel free to contact my Aide, Ms. Dolores Mejia at ext. 6834.

RLS/dm

RECEIVED
2005 MAY 31 AM 10:08
CITY MANAGERS OFFICE
BY _____

Agenda Item R9A4
Date 6-8-05

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 8, 2005

From: Jorge M. Gonzalez
City Manager

A handwritten signature in black ink, appearing to read 'Jorge'.

Subject: **DISCUSSION ITEM REGARDING MIAMI-DADE COUNTY AMENDMENT
TO ROAD IMPACT FEE DISTRICT BOUNDARIES.**

Miami-Dade County has proposed an amendment to the existing Road Impact Fee boundaries. The proposed County Ordinance would reduce the current nine Road Impact Fee Districts to three new and larger districts.

The new district proposed for Miami Beach would be in the new District One, which is generally north and east of the Miami River Canal.

One impact to the City of Miami Beach of the County proposed boundary change would be to spread the Road Impact Fees over a larger geographic area, thereby diluting the impact of the fees collected within the original districts. The new district alignments would also enable impact fees currently collected in more narrowly defined areas to be used in an area that is not necessarily impacted by the new development that was the basis for the Road Impact Fee. A further impact is that a provision that was incorporated into the Road Impact Fee Ordinance to allow fund use on local roads after County priorities are addressed, become effectively void. By enlarging the Impact Fee District, the range of County priorities also expands, thereby making use of fees on local roads unlikely.

The attached memorandum from Miami-Dade County illustrates that to-date over \$12 million have been collected in Road Impact Fees. Of the total, \$4.7 has been expended and the remaining \$8 million available has been identified for construction programs in the County's Transportation Improvement Program. While all of the funds generated within the Road Impact Fee District have been appropriately expended or committed to necessary improvements within that District, in the future, it is very likely that the historic expenditure pattern would not continue. A very likely scenario is that impact fees generated in the City of Miami Beach will be used for County facilities in other portions of the newly defined Road Impact Fee District.

The attached Resolution expresses the opposition of the City of Miami Beach to the proposed change in the County Road Impact Fee Districts. This Resolution is closely modeled after a similar Resolution approved by the Miami-Dade County League of Cities at their most recent meeting.

JMG\RCM\sam

Attachment

T:\AGENDA\2005\Jun0805\Regular\ROADIMPACTFEE.doc

Agenda Item R9F
Date 6-8-05

C: Bob
Lilia



**CITY OF MIAMI BEACH
OFFICE OF THE MAYOR & COMMISSION
MEMORANDUM**

TO: JORGE GONZALEZ
CITY MANAGER

FROM: RICHARD STEINBERG *RLS/dm*
COMMISSIONER

DATE: June 6, 2005

RE: Resolution Opposing Miami-Dade County's Road Impact
Fee Proposal

Please place a resolution opposing Miami-Dade County's Road Impact Fee Proposal on the June 8th Commission Meeting Agenda.

If you have any questions, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

RECEIVED
2005 MAY 31 11:11:42
CITY OF MIAMI BEACH OFFICE

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING MODIFICATION TO BOUNDARIES OF THE ROAD IMPACT FEE DISTRICTS AS PROPOSED BY MIAMI-DADE COUNTY AMENDMENT TO CHAPTER 33E OF THE MIAMI-DADE COUNTY CODE.

WHEREAS, Miami-Dade County Chapter 33E addresses Miami-Dade County Road Impact Fees which are intended to provide funding by new developments for their proportionate share of capital costs on County roadway facilities; and

WHEREAS, there are currently nine (9) Road Impact Fee Districts, each with its own trust fund; and

WHEREAS, each Road Impact Fee District generates funds that are earmarked for County maintained roads as a first priority and then available to municipalities for local road improvements after completion of County work within the District; and

WHEREAS, the County Road Impact Fee District expenditures directly benefit the municipalities and the areas impacted by the new development within the current Districts; and

WHEREAS, Miami-Dade County is proposing the creation of three (3) large Impact Districts instead of the current nine (9) smaller Districts; and

WHEREAS, this proposal would dilute the benefit of the Road Impact Fee Program and allow Road Impact Fees to be used in areas not necessarily impacted by the development which generated the impact fee.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that changes to the Road Impact Fee District boundaries are opposed and that the Miami-Dade County Commission is urged to oppose any amendment to the boundaries of the Road Impact Fee District as such amendment would have an adverse impact on municipalities by diluting the fee and further allowing said fees to be utilized in areas not necessarily impacted by the new development which generate the impact fees.

PASSED AND APPROVED this the _____ day of _____, 2005.

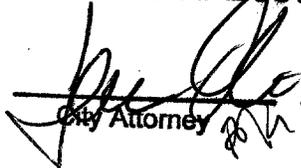
MAYOR

ATTEST:

CITY CLERK

F:\cmgr\ALL\BOB\RoadimpactfeeReso.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney 6-7-05
Date

RESOLUTION NO. 2005-3

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIAMI-DADE COUNTY LEAGUE OF CITIES, INC., OPPOSING MODIFICATION TO BOUNDARIES OF THE ROAD IMPACT FEE DISTRICTS, AS PROPOSED BY MIAMI-DADE COUNTY AMENDMENT TO CHAPTER 33E OF THE MIAMI-DADE COUNTY CODE.

WHEREAS, Miami-Dade County Chapter 33E addresses Miami-Dade County road impact fees, which are intended to provide funding by new developments for their proportionate share of capital cost on County roadway facilities; and

WHEREAS, there are currently nine road impact fee districts, each with its own trust fund;
and

WHEREAS, each distinct district generates funds that are earmarked for County maintained roads, directly benefiting the municipalities within the current districts; and

WHEREAS, Miami-Dade County is proposing the creation of three large impact districts instead of the current nine smaller districts; and

WHEREAS, this proposal would dilute the benefit of the road impact fee program.

NOW, THEREFORE,

BE IT RESOLVED by the Board of Directors of the Miami-Dade County League of Cities,
Inc.:

Section 1. The foregoing is true and correct.

Section 2. The Board of Directors of the Miami-Dade County League of Cities and its member municipalities oppose any amendment to the road impact fee manual, impact fee benefit districts and trust accounts.

Section 3. The Board of Directors of the Miami-Dade County League of Cities and its member municipalities urge the Miami-Dade County Commission to oppose any dilution of the current nine districts to a proposal of three larger geographic districts.

APPROVED AND ADOPTED by the Board of Directors of the Miami-Dade County League of Cities, Inc. at regular meeting assembled this day of _____, 2005.

ATTEST:

HONORABLE EDUARDO GONZALEZ
Secretary

HONORABLE JAY R. CHERNOFF
President

APPROVED AS TO FORM:

HOWARD B. LENARD
General Counsel

MIAMI-DADE COUNTY, FLORIDA



CC: Fred

RECEIVED

MIAMI BEACH
ON AUG 24 PM 2:01
CITY MANAGER'S OFFICE

2004 JUN 17 AM 11:48

STEPHEN P. CLARK CENTER

PUBLIC WORKS DEPARTMENT
SUITE 1610
111 N.W. FIRST STREET
MIAMI, FLORIDA 33128-1970
(305) 375-2960

CITY MANAGERS OFFICE
BY _____

June 14, 2004

Jorge M. Gonzalez
City Manager
City of Miami Beach
1700 Convention Center Drive
Miami Beach, Fla. 33139

Dear Mr. Gonzalez:

Pursuant to your April 8, 2004, correspondence to County Manager George M. Burgess concerning the status of the Road Impact Fee (RIF) Program for District 8, below please find the following information as of March 31, 2004:

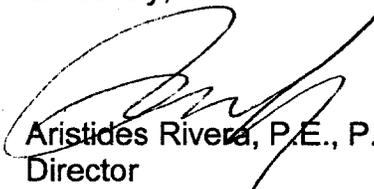
1. Revenue collections is \$12,758,562.
2. Expenditures to date \$4,725,660.
3. Available fund balance \$8,032,902.
4. All existing District 8 funds have been programmed for construction.
5. The amount of funds that fall within the six (6) year threshold for a potential refund, totals \$1,150,612; however, as previously stated, all RIF funds in District 8 have already been programmed for construction in the 04-05 Transportation Improvement Program (TIP).
6. As it pertains to your comments concerning the need to update the Traffic Control Devices Project list, please accept my apologies for any confusion this may have caused. As a result of the Metropolitan Planning Organizations' (MPO) re-engineering of the 2005 TIP format and the need to meet the May 25, 2004, deadline to submit the final version of said document to the MPO, the draft document submitted to your Office did not reflect the final documentations. Attached, please find an updated Traffic Control Devices Project list within RIF District 8.

c: Bob Middaugh

Mr. Jorge M. Gonzalez
Page 2

Should you need additional information, please feel free to contact me at (305) 375-2960.

Sincerely,



Aristides Rivera, P.E., P.L.S.
Director
Public Works Department

Pc: George M. Burgess
County Manager

Pedro G. Hernandez, P.E.
Assistant County Manager

Esther Calas, P.E.
Assistant Director, PWD

Ines Beecher
Assistant Director, PWD

Gaspar Miranda, P.E.
Division Chief, PWD

Attachments

Road Impact Fee District 8
Traffic Control Devices

Under Design

1. Bay Road and Dade Boulevard
2. Meridian Avenue and 14th Place

Construction Completed

1. West Avenue and 8th Street
2. Washington Avenue and 15th Street
3. Washington Avenue and Española Way
4. Drexel Avenue and 17th Street
5. Meridian Avenue and 17th Street
6. Alton Road and Dade Boulevard
7. Alton Road and 20th Street
8. Byron Avenue and 85th Street
9. Convention Center and 17th Street
10. Convention Center Drive and Dade Boulevard
11. Washington Avenue and 17th Street
12. Washington Avenue and Lincoln Road
13. Ocean Drive and 10th Street
14. Ocean Drive and 5th Street
15. Pine Tree Drive and 47th Street
16. Pine Tree Drive and 46th Street
17. Pine Tree Drive and 42nd Street
18. Pine Tree Drive and Sheridan Avenue

To be implemented as part of the future Venetian Causeway Project

1. Venetian Causeway and Dilido Drive
2. Venetian Causeway and East Bridge
3. Venetian Causeway and West Bridge
4. Venetian Causeway and Rivo Alto
5. Venetian Causeway and San Marco
6. Venetian Causeway and Island (E)
7. Venetian Causeway and Island (W)

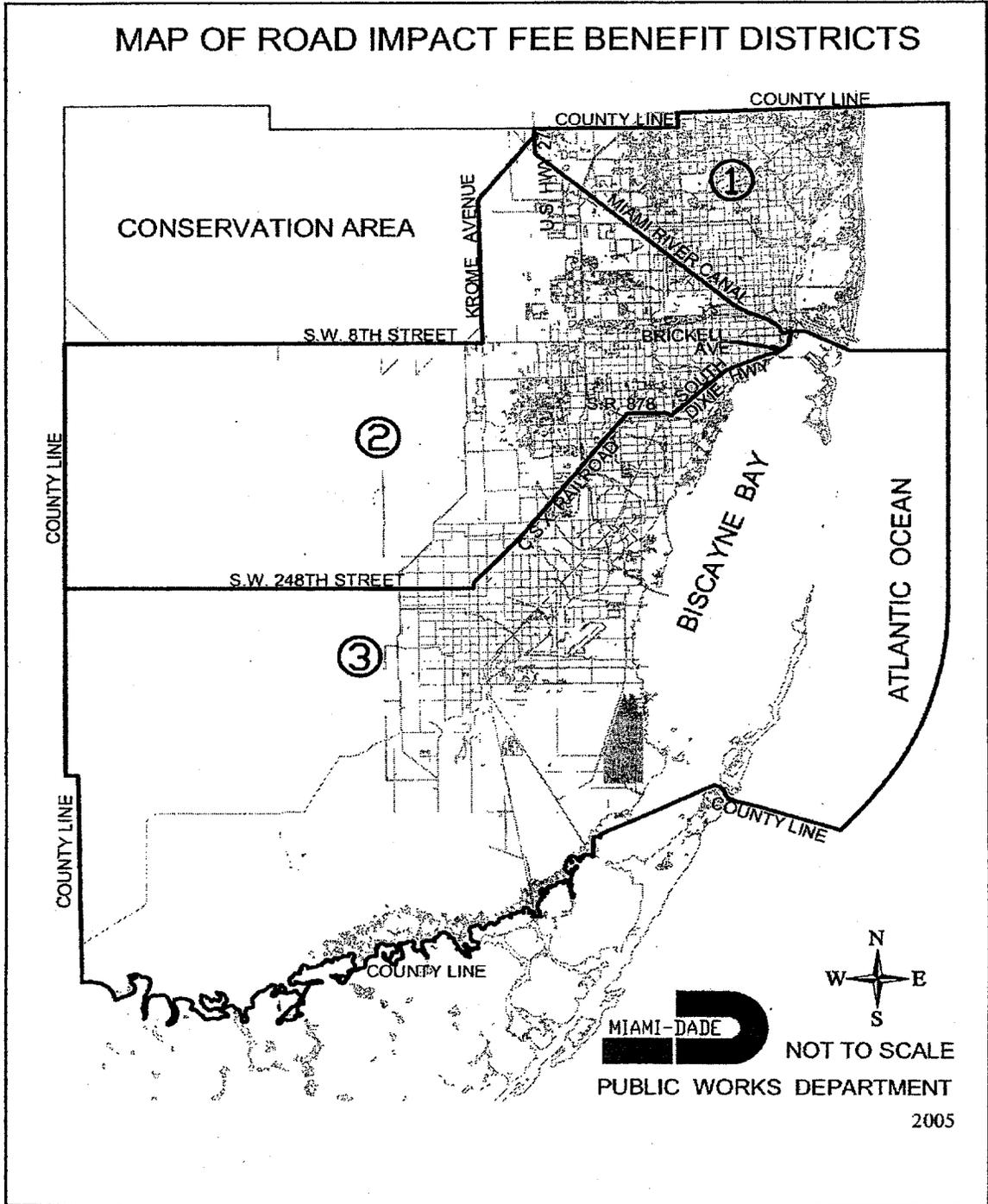


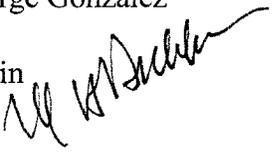
Figure 1<<

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**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney



SUBJECT: Notice of Attorney-Client Session

DATE: June 7, 2005

Pursuant to Section 286.011, Florida Statutes, the City Attorney hereby advises the Mayor and City Commission that he desires advice concerning the following pending litigation:

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The following individuals will be in attendance: Mayor David Dermer; Members of the City Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, Deputy City Attorney Jean Olin, First Assistant City Attorneys Debora J. Turner and Gary Held.

Agenda Item R10C
Date 6-8-05

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